

ORDINANCE 2021- 32-CM

AN ORDINANCE TO VACATE A PORTION OF A PLATTED EASEMENT IN THE
COUNTY OF TIPPECANOE, INDIANA

Be it ordained by the County Commissioners of Tippecanoe County, Indiana:

1. That the following portion of a platted utility and drainage easement, more fully described on Exhibit A, attached hereto and made a part hereof by reference, is hereby vacated.
2. This Ordinance shall be in full force and effect from and after its passage.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 15th day of November, 2021, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

yes

yes

yes

[Signature]
Thomas P. Murtaugh, President

[Signature]
David S. Byers, Vice President

[Signature]
Tracy A. Brown, Member

ATTEST:

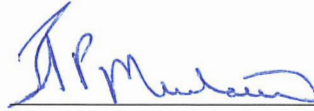
[Signature]
Robert Plantenga,
Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 15th day of November, 2021, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

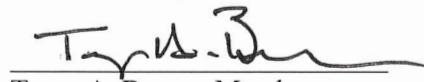
yes


Thomas P. Murtaugh, President

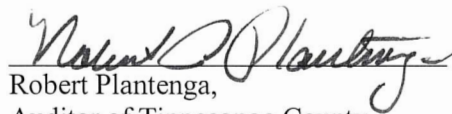
yes


David S. Byers, Vice President

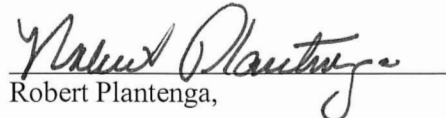
yes


Tracy A. Brown, Member

ATTEST:



Robert Plantenga,
Auditor of Tippecanoe County

ATTEST:


Robert Plantenga,

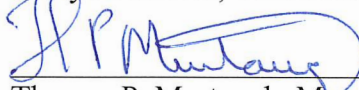
Presented to the Tippecanoe County Drainage Board and approved this 3rd day of November, 2021.

TIPPECANOE COUNTY DRAINAGE BOARD


David S. Byers, President

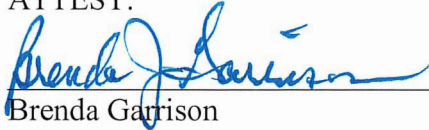


Tracy A. Brown, Vice-President



Thomas P. Murtaugh, Member

ATTEST:



Brenda Garrison
Recording Secretary

STATE OF INDIANA)
)
)
COUNTY OF TIPPECANOE) BEFORE THE TIPPECANOE COUNTY
) COMMISSIONERS and the TIPPECANOE COUNTY
) DRAINAGE BOARD

**PETITION TO VACATE A PORTION OF A UTILITY AND DRAINAGE EASEMENT
IN TIPPECANOE COUNTY, INDIANA**

COMES NOW Tippecanoe Development, LLC, an Indiana limited liability company (“Petitioner”), and hereby respectfully petitions the Tippecanoe County Drainage Board and the Board of Commissioners of Tippecanoe County, Indiana to vacate a portion of a platted utility and drainage easement located in the Tippecanoe County, Indiana more particularly described herein, and in support states as follows:

1. This petition is filed pursuant to Indiana Code § 36-7-3-16 which states that platted easements may be vacated in the same manner as public ways and public places pursuant to Indiana Code § 36-7-3-12.
2. The Petitioner is the owner of certain real estate located in Tippecanoe County, Indiana having State Identification No. 79-03-29-402-002.000-018, and more particularly described in **EXHIBIT A** attached hereto and made a part hereof (“Petitioner Real Estate”).
3. Attached hereto and made a part hereof as **EXHIBIT B**, is a copy of the Final Plat for Oak Ridge Subdivision, Section Two and a Replat of Lots 14 & 16 of Oak Ridge Subdivision, Section One, Phase One, dated October 5, 2021, and recorded as Document No. 202121023553 in the Office of the Recorder of Tippecanoe County on October 12, 2021 (“Plat”). The Plat shows a utility and drainage easement located on the Petitioner Real Estate (“Easement”).
4. The Petitioner Real Estate and the Easement are located within Tippecanoe County, Indiana. A copy of this petition was provided to the Tippecanoe County Engineer’s Office prior to filing.
5. The Petitioner plans to develop the Petitioner Real Estate for future use as a single-family residential lot.
6. The Petitioner hereby requests that the portion of the Easement described in **EXHIBIT C** attached hereto and made a part hereof (“Vacated Portion”). The Vacated Portion is depicted in **EXHIBIT D** attached hereto and made a part hereof. The Vacated Portion is unnecessary because an additional utility and drainage easement has been provided on Lot 16 of Oak Ridge Subdivision as shown on the Plat.
7. No utilities have been placed in the Vacated Portion.

8. A list of the names and addresses of all owners of land abutting the Petitioner Real Estate that may have an interest in this petition is attached hereto and made a part hereof as **EXHIBIT E**.

9. A list of the names and addresses of utility companies serving Tippecanoe County, Indiana and who may have an interest in this petition is attached hereto and made a part hereof as **EXHIBIT F**.

10. The proposed partial vacation of the Easement will not hinder the growth or orderly development of the neighborhood in which the Easement is located or any property to which the Easement is contiguous.

11. The proposed partial vacation of the Easement will not make access to any lands by means of public way difficult or inconvenient.

12. The proposed partial vacation of the Easement will not hinder the public's access to any church, school, or other public building or place.

13. The proposed partial vacation of the Easement will not hinder the use of a public way by the neighborhood in which the Easement is located or to which it is contiguous.

14. Upon partial vacation of the Easement, the Petitioner shall remain the owner of the real estate upon which the Easement is located.

15. A proposed ordinance is attached hereto as **EXHIBIT G**.

[The remainder of this page intentionally left blank]

WHEREFORE, the Petitioner prays for an ordinance vacating a portion of the Easement in the form attached hereto.

Tippecanoe Development, LLC

By: Derrin P. Sorenson
(written)
Derrin P. Sorenson
(printed)
Its: member
(title)

STATE OF INDIANA)
)SS:
COUNTY OF TIPPECANOE)

Before me, the undersigned, a Notary Public in and for said County and State, this 22nd day of October, 2021, personally appeared Tippecanoe Development, LLC, by Derrin P. Sorenson its member, and acknowledged the execution of the foregoing instrument.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 1/17/2025



Terry L. King
NOTARY PUBLIC - OFFICIAL SEAL (written)
Commission # 695281
State of Indiana, Carroll County
My Commission Expires January 17, 2025
TERRY L KING
(printed) NOTARY PUBLIC
Resident of Carroll County

This instrument prepared by:
Kevin J. Riley
Reiling Teder & Schrier, LLC
250 Main Street, Suite 601
P.O. Box 280
Lafayette, IN 47902-0280
Telephone: (765) 423-5333
Facsimile: (765) 423-4564
E-mail: kjr@rtslawfirm.com

EXHIBIT A

A part of Lot Numbered Sixteen (16) in Oak Ridge Subdivision - Section Two and a Replat of Lots 14 & 16 of Oak Ridge Subdivision – Section One – Phase One, as per the plat thereof recorded in Document Number 202121023553 in the Office of the Recorder of Tippecanoe County, being more completely described as follows:

COMMENCING at the northeasterly corner of Lot Numbered Sixteen (16) in Oak Ridge Subdivision – Section Two and a Replat of Lots 14 & 16 of Oak Ridge Subdivision – Section One – Phase One, thence along the northerly line of said Lot Numbered Sixteen (16), North 70°19'56" West, 15.00 feet; thence parallel with and fifteen (15) feet northwesterly from the westerly bounds of Maize Drive, as platted in said Oak Ridge Subdivision – Section Two and a Replat of Lots 14 & 16 of Oak Ridge Subdivision – Section One – Phase One, South 19°40'04" West, 58.05 feet to the POINT OF BEGINNING of the herein described tract; thence continuing parallel with and fifteen (15) feet northwesterly from the westerly bounds of said Maize Drive, South 19°40'04" West, 13.63 feet; thence North 88°40'48" West, 72.34 feet; thence North 70°19'56" West, 63.84 feet; thence North 19°40'04" East, 4.85 feet; thence South 83°43'38" East, 136.21 feet to the point of beginning, containing 0.05 acres, more or less.

EXHIBIT A

LEGAL DESCRIPTION – LOT 16

Lot Numbered Sixteen (16) in Oak Ridge Subdivision - Section Two and a Replat of Lots 14 & 16 of Oak Ridge Subdivision – Section One – Phase One, as per the plat thereof recorded in Document Number 202121023553 in the Office of the Recorder of Tippecanoe County.

SUBJECT TO ALL EASEMENT, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

EXHIBIT C

LEGAL DESCRIPTION – LOT 16 EASEMENT VACATION

A part of Lot Numbered Sixteen (16) in Oak Ridge Subdivision - Section Two and a Replat of Lots 14 & 16 of Oak Ridge Subdivision – Section One – Phase One, as per the plat thereof recorded in Document Number 202121023553 in the Office of the Recorder of Tippecanoe County, being more completely described as follows:

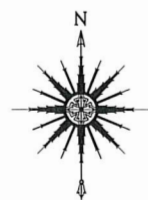
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EXHIBIT D**NOTES:**

1. A PORTION OF THE UTILITY & DRAINAGE EASEMENT PREVIOUSLY PLATTED WITHIN LOT 14 OF OAK RIDGE SUBDIVISION - SECTION ONE - PHASE ONE IS TO BE VACATED AS DEPICTED HEREON. NO UTILITIES ARE KNOWN TO EXIST WITHIN THIS AREA.

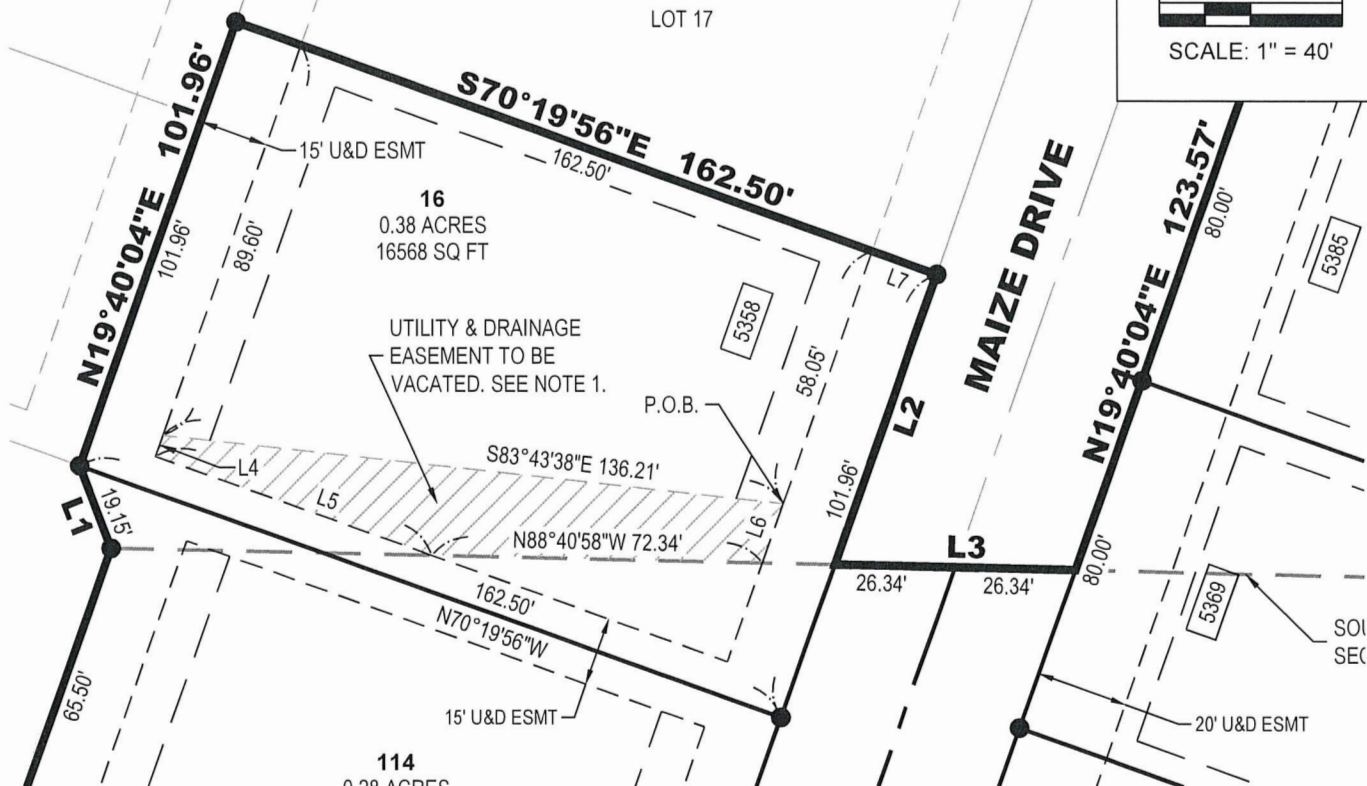
LOT 24

LOT 17



0' 20' 40'

SCALE: 1" = 40'

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N21°05'15"W	19.15'
L2	S19°40'04"W	66.71'
L3	S88°40'58"E	52.68'
L4	N19°40'04"E	4.85'
L5	N70°19'56"W	63.84'
L6	S19°40'04"W	13.63'
L7	N70°19'56"W	15.00'

LEGEND

---	= EASEMENT
---	= BUILDING SETBACK
R/W	= RIGHT-OF-WAY
U&D	= UTILITY & DRAINAGE EASEMENT
MBL	= MINIMUM BUILDING SETBACK LINE
4311	= STREET ADDRESS


TBIRD
 Design Services Corporation
 Engineering • Surveying • Environmental
 Construction Management

 105 NORTH 10TH STREET • LAFAYETTE, INDIANA
 phone: (765) 742-1900 • fax: (765) 742-1905
 www.tbirddesign.com

OAK RIDGE SUBDIVISION - SECTION TWO
 PART OF THE SOUTHEAST QUARTER OF SECTION 29,
 TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE
 TOWNSHIP, TIPPECANOE COUNTY, INDIANA

 PROJECT:
 20063

 DATE:
 10/1/2021

 CHECKED BY:

 DRAWN BY:
 JRF

 DRAWING FILE:
 20063-EASEMENT VACATION.DWG

 SHEET:
 1 of 1

EXHIBIT E

State Identification No.	Owner Name	Owner Address
79-03-29-401-017.000-018	HENRY JONATHAN W & AMANDA	5272 MAIZE DR WEST LAFAYETTE, IN 47906
79-03-29-401-024.000-018	ENSIGN THERESA A TTEE	5395 DAFFODIL DR WEST LAFAYETTE, IN 47906
79-03-29-326-001.000-018	BOWMAN ANDREW JOSEPH & MEGAN ANDREWS	5383 DAFFODIL DR WEST LAFAYETTE, IN 47906
79-03-29-326-002.000-018	MILAKIS HOMES LLC	PO BOX 496 LAFAYETTE, IN 47902
79-03-29-402-012.000-018 79-03-29-402-001.000-018 79-03-29-402-013.000-018 79-03-29-402-014.000-018	TIPPECANOE DEVELOPMENT LLC	PO BOX 811 LAFAYETTE, IN 47902

EXHIBIT F

Utility Companies

Tipmont REMC
403 S Main Street
Linden, IN 47955

Frontier Communications Corp
401 Merritt 7
Norwalk, CT 06851

CenterPoint Energy, Inc. (f/k/a Vectren)
P.O. Box 4567
Houston, TX 77210-456

Comcast
One Comcast Center
1701 JFK Boulevard
Philadelphia, PA 19103

Indiana American Water
153 N. Emerson Avenue
Greenwood, IN 46143

American Suburban Utilities Inc.
Attn: Scott Lods
3350 W 250 N
West Lafayette, IN 47906

See Original Ord
2021-32-CM

EXHIBIT G

ORDINANCE 202____ - ____-CM

**AN ORDINANCE TO VACATE A PORTION OF A PLATTED EASEMENT IN THE
COUNTY OF TIPPECANOE, INDIANA**

Be it ordained by the County Commissioners of Tippecanoe County, Indiana:

1. That the following portion of a platted utility and drainage easement, more fully described on Exhibit A, attached hereto and made a part hereof by reference, is hereby vacated.

2. This Ordinance shall be in full force and effect from and after its passage.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this ____ day of _____, 202____, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Thomas P. Murtaugh, President

David S. Byers, Vice President

Tracy A. Brown, Member

ATTEST:

Robert Plantenga,
Auditor of Tippecanoe County

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Thomas P. Murtaugh, President

David S. Byers, Vice President

Tracy A. Brown, Member

ATTEST:

Robert Plantenga,

Presented to the Tippecanoe County Drainage Board and approved this ____ day of _____,
202____

TIPPECANOE COUNTY DRAINAGE BOARD

David S. Byers, President

Tracy A. Brown, Vice-President

Thomas P. Murtaugh, Member

ATTEST:

Brenda Garrison
Recording Secretary

EXHIBIT A

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